

ORIGINAL

<p>Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number</p> <p>Jeffrey I. Golden, a Partner of WEILAND, GOLDEN, SMILEY, WANG EKVALL & STROK, LLP P.O. Box 2470 Costa Mesa, CA 92628-2470 Telephone: (714) 445-1013 Facsimile: (714) 966-1002</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1106 184 1478 420"><p>FILED</p><p>DEC 26 2006</p><p>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY Deputy Clerk</p></div> <p>CASE NO. LA 05-37003 BR</p> <p>Chapter 7</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</p> <p>In re: KATHLEEN FUJIOKA,</p> <p>Debtor(s).</p>	

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: January 17, 2007	Time: 10:00 a.m.
Location: Courtroom 1668, Roybal Federal Building, 255 E. Temple Street, Los Angeles, California	

Type of Sale: ☐ Public ☒ Private Last date to file objections: January 3, 2007

Description of Property to be Sold: Vacant land - APN #3220-001-009, Lancaster, California

Terms and Conditions of Sale: See attached Notice of Hearing on Motion for Order: (1) Authorizing Sale of Real Property Free and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§ 363(b) and (f); (2) Approving Overbid Procedures; (3) Approving Buyer, Successful Bidder and Back-up Bidder as Good Faith Purchaser Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing Payment of Judgment, Real Estate

Co-Broker's Commission and Other Ordinary Costs of Sale (the "Notice")

Proposed Sale Price: See attached Notice

Overbid Procedure (If Any): See attached Notice

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing: See attached Notice

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

Jeffrey I. Golden, Chapter 7 Trustee

P.O. Box 2470

Costa Mesa, CA 92628-2470

(714) 445-1013 (tel); (714) 966-1002 (fax)

Date: December 22, 2006

1 Jeffrey I. Golden, a Partner of
2 WEILAND, GOLDEN,
3 SMILEY, WANG EKVALL & STROK, LLP
4 P.O. Box 2470
5 Costa Mesa, California 92628-2470
6 Telephone: (714) 445-1013
7 Facsimile: (714) 966-1002

8 Chapter 7 Trustee

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 LOS ANGELES DIVISION

12 In re

13 KATHLEEN FUJIOKA,

14 Debtor.

Case No. LA 05-37003 BR

Chapter 7 Case

NOTICE OF HEARING ON MOTION FOR
ORDER:

- (1) AUTHORIZING SALE OF REAL
PROPERTY FREE AND CLEAR OF
LIENS, CLAIMS, AND INTERESTS
PURSUANT TO 11 U.S.C. §§ 363(b) AND
(f);
(2) APPROVING OVERBID PROCEDURES;
(3) APPROVING BUYER, SUCCESSFUL
BIDDER AND BACK-UP BIDDER AS
GOOD FAITH PURCHASER PURSUANT
TO 11 U.S.C. § 363(m); AND
(4) AUTHORIZING PAYMENT OF
JUDGMENT, REAL ESTATE CO-
BROKER'S COMMISSIONS AND
OTHER ORDINARY COSTS OF SALE

[Vacant Land - APN #3220-001-009
Lancaster, California]

DATE: January 17, 2007
TIME: 10:00 a.m.
CTRM: 1668
Roybal Federal Building
255 E. Temple Street
Los Angeles, California

1 **PLEASE TAKE NOTICE** that Jeffrey I. Golden, the Chapter 7 Trustee (the
2 "Trustee") of the estate (the "Estate") of Kathleen Fujioka (the "Debtor") has filed a
motion for an order (the "Motion"):

- 3 a. approving the sale of vacant land in Lancaster, California, APN #3220-001-
4 009 (the "Property"), as-is, where-is, without representations or warranties,
5 free and clear of liens, claims, and interests pursuant to 11 U.S.C. §§
6 363(b) and (f);
- 7 (1) to the Patel Family Trust dated January 10, 2005 (the "Buyer") for
8 \$38,000.00 (the "Purchase Price") pursuant to the terms of the
9 Vacant Land Purchase Agreement and Joint Escrow Instructions,
10 the Sale Escrow Instructions, and the Amended Escrow Instructions
11 (collectively, the "Agreement") attached as Exhibit "1" to the Motion;
12 or
- 13 (2) to the successful bidder whose purchase offer for the Property
14 exceeds the offer tendered by the Buyer by not less than \$2,000 and
15 is accepted by the Trustee at the hearing on the Motion;
- 16 b. approving the Buyer, the successful bidder, and the back-up bidder as a
17 "good faith" purchaser under § 363(m) of the Bankruptcy Code;
- 18 c. approving the overbid procedures set forth in the Motion as summarized
19 below;
- 20 d. authorizing the Trustee to pay the Judgment (as defined in the Motion),
21 costs of sale, broker's commission, and the Estate's pro rata share of real
22 property taxes in full from the proceeds of the sale;
- 23 e. granting such other and further relief as this Court deems necessary and
24 proper.

25 **PLEASE TAKE FURTHER NOTICE** that the Motion is scheduled for hearing in
26 Courtroom 1668 of the above-entitled court located at the Roybal Federal Building, 255
27 East Temple Street, Los Angeles, California 90012.

28 **PLEASE TAKE FURTHER NOTICE that all overbids must be in writing and
must be submitted to the Trustee whose address is listed in the top left hand
corner of the first page of the instant Notice. Overbids are due by 10:00 a.m.
Pacific Daylight Savings time on January 12, 2007.**

PLEASE TAKE FURTHER NOTICE that the overbid procedures sought be
approved by the Court are as follows:

1. Any qualifying bidder ("Qualifying Bidder") shall:
- a. bid at least \$40,000.00 in cash for the Property;
- b. set forth in writing the terms and conditions of the offer that are at
 least as favorable to the Trustee as those set forth in the Agreement
 attached as Exhibit "1" to the Motion;
- c. be a party financially qualified, in the Trustee's exercise of his sound
 business judgment, to close the sale on a timely basis;

- 1 d. submit an offer that does not contain any contingencies to closing
2 the sale, including, but not limited to, financing, inspection, or repair
3 contingencies;
4 e. submit a cash deposit in the amount of Four Thousand Dollars
5 (\$4,000.00) payable to the Trustee in the form of a cashier's check,
6 which deposit shall be non-refundable if the bid is deemed to be the
7 Successful Bid, as defined in ¶4 below (the "Deposit"). The Deposit
8 and written offer must be delivered to the Trustee no later than
9 January 12, 2007 at 10:00 a.m. Pacific Daylight Savings time.
10
11 2. At the hearing on the Motion, only the Buyer and any party who is deemed
12 a Qualifying Bidder shall be entitled to bid.
13
14 3. Any incremental bid in the bidding process shall be at least One
15 Thousand Dollars (\$1,000.00) higher than the prior bid.
16
17 4. At the hearing on the Motion, and upon conclusion of the bidding process,
18 the Trustee shall decide which of the bids is the best bid, and such bid shall
19 be deemed to be the "Successful Bid." The bidder who is accepted by the
20 Trustee as the successful bidder (the "Successful Bidder") must pay all
21 amounts reflected in the Successful Bid in cash at the closing of the sale.
22 At the hearing on the Motion, and upon conclusion of the bidding process,
23 the Trustee may also acknowledge a back-up bidder ("Back-Up Bidder")
24 which shall be the bidder with the next best bid. Should the Successful
25 Bidder fail to close escrow on the sale of the Property, the Trustee may sell
26 the Property to the Back-Up Bidder without further Court order.

27 The Motion is based upon the Memorandum of Points and Authorities, the
28 Declarations of Jeffrey I. Golden, William Friedman and Mark Troth attached to the
Motion, all pleadings, papers and records on file with this Court, and on such other
evidence, oral or documentary, as may be presented to this Court at the time of the
hearing on the Motion.

PLEASE TAKE FURTHER NOTICE that Local Bankruptcy Rule
9013-1(a)(7) provides:

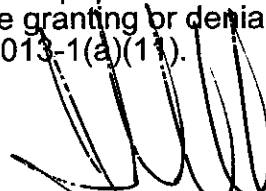
"Unless otherwise ordered by the Court, each interested party
opposing, joining, or responding to the motion shall file and serve not later
than fourteen (14) days before the date designated for hearing either:

(i) A brief but complete written statement of all reasons in
opposition thereto or in support or joinder thereof, and answering
memorandum of points and authorities, declarations and copies of all
photographs and documentary evidence on which the responding party
intends to rely. The opposing papers shall advise the adverse party that
any reply to the opposition shall be filed with the Court and served on the
opposing party not later than seven (7) calendar days (not excluding
Saturdays, Sundays, and legal holidays) prior to the hearing on the motion;
or

(ii) A written statement that the motion will not be
opposed."

1 **PLEASE TAKE FURTHER NOTICE** that papers not timely filed and served may
2 be deemed by the Court to be consent to the granting or denial of the motion, as the
3 case may be. See Local Bankruptcy Rule 9013-1(a)(1).

4 DATED: December 22, 2006



JEFFREY I. GOLDEN
Chapter 7 Trustee

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA,

3 COUNTY OF ORANGE

4 I am employed in the County of Orange, State of California. I am over the age of
5 18 and not a party to the within action; my business address is 650 Town Center Drive,
Suite 950, Costa Mesa, California 92626.

6 On December 22, 2006, I served the foregoing document described as **NOTICE**
7 **OF HEARING ON MOTION FOR ORDER:(1)AUTHORIZING SALE OF REAL PROPERTY**
8 **FREE AND CLEAR OF LIENS, CLAIMS, AND INTERESTS PURSUANT TO 11 U.S.C.**
9 **§§ 363(b)AND (f); (2)APPROVING OVERBID PROCEDURES; (3)APPROVING BUYER,**
10 **SUCCESSFUL BIDDER AND BACK-UP BIDDER AS GOOD FAITH PURCHASER PURSUANT**
11 **TO 11 U.S.C. § 363(m); AND(4)AUTHORIZING PAYMENT OF JUDGMENT, REAL ESTATE**
12 **CO-BROKER'S COMMISSIONS AND OTHER ORDINARY COSTS OF SALE** on the interested
13 parties in this action by placing true copies thereof enclosed in sealed envelopes
14 addressed as stated on the attached mailing list.

11 ☒ BY MAIL

12 ☐ I deposited such envelope in the mail at Costa Mesa, California. The
13 envelope was mailed with postage thereon fully prepaid.

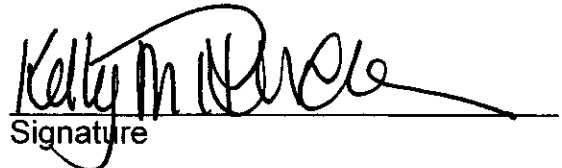
14 ☒ I deposited such envelope with the firm for collection and processing. I am
15 "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. It is deposited with U.S. postal service on that
17 same day with postage thereon fully prepaid at Costa Mesa, California in
the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in
affidavit.

18
19 Executed on December 22, 2006, at Costa Mesa, California.

20 ☐ (State) I declare under penalty of perjury under the laws of the State of California
21 that the above is true and correct.

22 ☒ (Federal) I declare that I am employed in the office of a member of the bar of this
23 court at whose direction the service was made. I declare under the penalty of
perjury under the laws of the United States of America that the above is true and
correct.

24
25 Kelly M. Rivera
26 Type or print name

27
28 
Signature

In re KATHLEEN FUJIOKA
Case No.: LA 05-37003 BR

SHORT LIST

United States Trustee
725 S. Figueroa St., 26th Floor
Los, Angeles, CA 90017

Kathleen Fujioka
1950 So. Buenos Aires
Covina, CA 91724
Debtor

Michael W. Binning, Esq.
200 Oceangate Suite 850
Long Beach, CA 90802-4335
Debtor's Counsel

Bill Friedman
Coldwell Banker
5450 Lincoln Blvd.
Los Angeles, CA 90094

Mark Troth
Troth/GMAC
1801 W. Ave. K
Lancaster, CA 93534

Elizabeth A. Bleier
Bleier & Cox
16130 Ventura Boulevard, Suite 620
Encino, CA 91436
**Attorneys for American Express Travel
Related Services**

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C/O BLEIER & COX
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ENCINO CA 91436

ASSET ACCEPTANCE LLC
PO BOX 2036
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ATTN LLC
220 A NORTH SUNSET
SHERMAN TX 75092

CHASE NA
4915 INDEPENDENCE PKWY
TAMPA FL 33634

CREDIGY SERVICES CORP
PO BOX 2689
SHAWNEE GA 30024

**EMPLOYMENT
DEVELOPMENT DEPARTMENT**
BANKRUPTCY GROUP MIC 92E
PO BOX 826880
SACRAMENTO, CA 94280-0001

FRANCHISE TAX BOARD
ATTENTION: BANKRUPTCY
PO BOX 2952
SACRAMENTO, CA 95812-2952

INTERNAL REVENUE SERVICE
PO BOX 21126
PHILADELPHIA, PA 19114

LOS ANGELES CITY CLERK
PO BOX 53200
LOS ANGELES CA 90053-0200

MERCHANTS GUIDE CO
232 W JACKSON BLVD
CHICAGO IL 60606

**STATE BOARD
OF EQUALIZATION**
PO BOX 942879
SACRAMENTO, CA 94279-0090

UNITED STATES TRUSTEE
LOS ANGELES
725 S FIGUEROA ST #2600
LOS ANGELES CA 90017